

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re FEDERATED MUTUAL FUNDS
EXCESSIVE FEE LITIGATION

)
) Consolidated No. 2:04-cv-352-DSC
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)

DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

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DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Defendants hereby move, pursuant to Rule 56 of the Federal Rules of Civil Procedure, that partial summary judgment enter in Defendants' favor, dismissing Plaintiffs' claim under Section 36(b) of the Investment Company Act of 1940, 15 U.S.C. § 80a-35(b), insofar as it relates to any period other than June 25, 2003 to January 17, 2006, and June 11, 2007 to June 11, 2008.

In support of this motion, Defendants refer the Court to the following documents being filed herewith:

1. Memorandum of Law in Support of Motion for Partial Summary Judgment;
2. LCvR 56.B.1 Concise Statement of Material Facts; and
3. Appendix to Motion for Partial Summary Judgment.

WHEREFORE, Defendants respectfully request that partial summary judgment enter in Defendants' favor, dismissing Plaintiffs' claim insofar as it relates to any period other than June 25, 2003 to January 17, 2006, and June 11, 2007 to June 11, 2008. Defendants also request such other and further relief as the Court deems just and proper.

Dated: Pittsburgh, Pennsylvania
July 28, 2010

Respectfully submitted,

REED SMITH LLP

By: s/ Joseph E. Culleiton

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CERTIFICATE OF SERVICE

I, Joseph E. Culleiton, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 28, 2010.

s/ Joseph E. Culleiton